

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1929 OF 2003

The State of Maharashtra ..Appellants
versus

Smt. Nagubai V. Patil & Anr. ..Respondents

Mr. V. B. Sakhare, AGP for the Appellants.

Mr. J. Sachdev for the Respondents.

CORAM : D. G. DESHPANDE, J.

DATE : 29TH JUNE, 2005

ORAL ORDER :

1. Heard AGP for the State and Advocate for the Respondents.

2. This appeal is filed by the State challenging the enhancement of compensation granted by the Reference Court under the Land Acquisition Act. The SLAO awarded Rs.7,500/- per Hectare, while the Reference Court awarded Rs.1,27,500/- per Hectare. This was done by the Reference Court on the basis of previous judgment of that court in LAR NO. 33 OF 1993 - Exhibit 27. Reference Court found that the land involved in the earlier judgment referred to above and the land presently acquired

was from the same village. It was for the same purpose. Both the lands were adjoining and therefore after comparison the court applied the price or compensation given in LAR No. 33 of 1993 to the land acquired.

3. I do not find any mistake being committed by the Reference Court. Even the map was produced before the Reference Court at Exhibit 26 and the Reference Court found that both the lands are abutting each other. Therefore, the Reference Court was justified in fixing the compensation.

4. In view of this matter, by consent, the matter is taken up for final hearing.

5. Admitted.

6. The learned AGP however pointed out that regarding potkharab land which is 0.01 R same compensation was given and that was not at all justified. I do not find any force in this submission as Potkharab land in this case is not even 1 R as per the judgment and submissions of the parties. It is 0.01 R. So even if the compensation is reduced, it will be a fraction of the compensation awarded. As such no interference is called for appeal is dismissed with no order as to costs.

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29.6.2005

(D.G. DESHPANDE, J.)